IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1219 OF 2006

Superb Minerals Pvt. Ltd. .. Petitioner.

V/s.

Income-tax Officer,
Range-2(1), Nashik & Others .. Respondents.

Mr.Atul K. Jasani for the petitioner.

Mr.B.M. Chatterjee with Mrs.P.P. Bhosale for the respondents.

CORAM : R.M. LODHA &
J.P. DEVADHAR, JJ.

DATED : 20TH MARCH, 2006.

P.C. :

For the reasons that we indicated in our order passed today while dismissing the writ petition No.1218 of 2006, this writ petition also does not deserve to be admitted.

2. We dismiss the writ petition in limine, accordingly.

3. However, the petitioner shall be at liberty to raise the plea before the Assessing Officer that the expenditure claimed by the petitioner has a nexus with the interest receipt and that there was no escapement of income.

4. If any adverse order is passed by the Assessing Officer in re-assessment proceedings, the petitioner shall be at liberty to raise this ground in appeal before the appellate authority.

5. With the aforesaid order, the writ petition is dismissed.

(R.M. LODHA, J.)

(J.P. DEVADHAR, J.)